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# THE SHERMAN ANTITRUST LAW.

[Act of July 2, 1890 (26 Stat., 209).]

AN ACT To protect trade and commerce against unlawful restraints and monopolies.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SEC. 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on

conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 4. The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

SEC. 5. Whenever it shall appear to the court before which any proceeding under section four of this act may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpoenas to that end may be served in any district by the marshal thereof.

SEC. 6. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section one of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

SEC. 7. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover

threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

SEC. 8. That the word "person," or "persons," wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, or the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

# **ANTITRUST AMENDMENTS TO THE WILSON TARIFF ACT OF AUGUST 27, 1894—SECTIONS 73-77.**

[28 Stat., 570.]

SEC. 73. That every combination, conspiracy, trust, agreement, or contract is hereby declared to be contrary to public policy, illegal, and void, when the same is made by or between two or more persons or corporations either of whom is engaged in importing any article from any foreign country into the United States, and when such combination, conspiracy, trust, agreement, or contract is intended to operate in restraint of lawful trade, or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to be imported into the United States, or of any manufacture into which such imported article enters or is intended to enter. Every person who is or shall hereafter be engaged in the importation of goods or any commodity from any foreign country in violation of this section of this act, or who shall combine or conspire with another to violate the same, is guilty of a misdemeanor, and on conviction thereof in any court of the United States such person shall be fined in a sum not less than one hundred dollars and not exceeding five thousand dollars, and shall be further punished by imprisonment, in the discretion of the court, for a term not less than three months nor exceeding twelve months.

SEC. 74. That the several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of section seventy-three of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by

way of petitions setting forth the case and praying that such violations shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

SEC. 75. That whenever it shall appear to the court before which any proceeding under the seventy-fourth section of this act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpoenas to that end may be served in any district by the marshal thereof.

SEC. 76. That any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section seventy-three of this act, and being in the course of transportation from one State to another, or to or from a Territory or the District of Columbia, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

SEC. 77. That any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy; and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

[The foregoing sections were expressly preserved in the Dingley Act of 1897. Section 34 of that act (30 Stat., 213) concludes as follows:]

*And further provided,* That nothing in this act shall be construed to repeal or in any manner affect the sections numbered seventy-three, seventy-four, seventy-five, seventy-six, and seventy-seven of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law on the twenty-eighth day of August, eighteen hundred and ninety-four.

AN-ACT To expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July second, eighteen hundred and ninety, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, or any other acts having a like purpose that may be hereafter enacted.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in any suit in equity pending or hereafter brought in any circuit court of the United States under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July second, eighteen hundred and ninety, "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, or any other acts having a like purpose that hereafter may be enacted, wherein the United States is complainant, the Attorney General may file with the clerk of such court a certificate that, in his opinion, the case is of general public importance, a copy of which shall be immediately furnished by such clerk to each of the circuit judges of the circuit in which the case is pending. Thereupon such case shall be given precedence over others and in every way expedited, and be assigned for hearing at the earliest practicable day, before not less than three of the circuit judges of said circuit, if there be three or more; and if there be not more than two circuit judges, then before them and such district judge as they may select. In the event the judges sitting in such case shall be divided in opinion, the case shall be certified to the Supreme Court for review in like manner as if taken there by appeal as hereinafter provided.

SEC. 2. That in every suit in equity pending or hereafter brought in any circuit court of the United States under any of said acts, wherein the United States is complainant, including cases submitted but not yet decided, an appeal from the final decree of the circuit court will lie only to the Supreme Court, and must be taken within sixty days from the entry thereof: *Provided*, That in any case where an appeal may have been taken from the final decree of a circuit court to the circuit court of appeals before this act takes effect, the case shall proceed to a final decree therein, and an appeal



may be taken from such decree to the Supreme Court in the manner now provided by law.

Approved, February 11, 1903.

[36 Stat., 854.]

AN ACT To amend an act entitled, "An act to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July second, eighteen hundred and ninety, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' 'An act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, or any other acts having a like purpose that may be hereafter enacted," approved February eleventh, nineteen hundred and three.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section one of the act entitled "An act to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July second, eighteen hundred and ninety, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' 'An act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, or any other acts having a like purpose that may be hereafter enacted," approved February eleventh, nineteen hundred and three, be, and the same is hereby, amended so as to read as follows:

"That in any suit in equity pending or hereafter brought in any circuit court of the United States under the act entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July second, eighteen hundred and ninety, 'An act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, or any other acts having a like purpose that hereafter may be enacted, wherein the United States is complainant, the Attorney General may file with the clerk of such court a certificate that, in his opinion, the case is of general public importance, a copy of which shall be immediately furnished by such clerk to each of the circuit judges of the circuit in which the case is pending. Thereupon such case shall be given precedence over others and in every way expedited, and be assigned for hearing at the earliest practicable day, before not less than three of the circuit judges of said court, if there be three or more; and if there be not more than two circuit

judges, then before them and such district judge as they may select; or, in case the full court shall not at any time be made up by reason of the necessary absence or disqualification of one or more of the said circuit judges, the Justice of the Supreme Court assigned to that circuit or the other circuit judge or judges may designate a district judge or judges within the circuit who shall be competent to sit in said court at the hearing of said suit. In the event the judges sitting in such case shall be equally divided in opinion as to the decision or disposition of said cause, or in the event that a majority of said judges shall be unable to agree upon the judgment, order, or decree finally disposing of said case in said court which should be entered in said cause, then they shall immediately certify that fact to the Chief Justice of the United States, who shall at once designate and appoint some circuit judge to sit with said judges and to assist in determining said cause. Such order of the Chief Justice shall be immediately transmitted to the clerk of the circuit court in which said cause is pending, and shall be entered upon the minutes of said court. Thereupon said cause shall at once be set down for reargument and the parties thereto notified in writing by the clerk of said court of the action of the court and the date fixed for the reargument thereof. The provisions of this section shall apply to all causes and proceedings in all courts now pending, or which may hereafter be brought.

Approved, June 25, 1910.

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### THE JUDICIAL CODE.

"AN ACT To codify, revise, and amend the laws relating to the judiciary."  
(Approved March 3, 1911; in effect January 1, 1912.)

SECTION 289. The circuit courts of the United States, upon the taking effect of this act, shall be and hereby are abolished. \* \* \*

SECTION 290. All suits and proceedings pending in said circuit courts on the day of the taking effect of this act, whether originally brought therein or certified thereto from the district courts, shall thereupon and thereafter be proceeded with and disposed of in the district courts in the same manner and with the same effect as if originally begun therein. \* \* \*

SECTION 291. Wherever, in any law not embraced within this act, any reference is made to, or any power or duty is conferred or imposed upon, the circuit courts, such reference shall, upon the taking effect of this act, be deemed and held to refer to, and to confer such power and impose such duty upon, the district courts.

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[32 Stat., 854, 903.]

AN ACT Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes.

\* \* \* \* \*

That for the enforcement of the provisions of the act entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and all acts amendatory thereof or supplemental thereto, and of the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July second, eighteen hundred and ninety, and all acts amendatory thereof or supplemental thereto, and sections seventy-three, seventy-four, seventy-five, and seventy-six of the act entitled "An act to reduce taxation, to provide revenue for the Government, and other purposes," approved August twenty-seventh, eighteen hundred and ninety-four, the sum of five hundred thousand dollars, to be immediately available, is hereby appropriated, out of any money in the Treasury not heretofore appropriated, to be expended under the direction of the Attorney General in the employment of special counsel and agents of the Department of Justice to conduct proceedings, suits, and prosecutions under said acts in the courts of the United States: *Provided*, That no person shall be prosecuted or be subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution under said acts: *Provided further*, That no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying.

\* \* \* \* \*

Approved, February 25, 1903.

[32 Stat., 825, 827.]

## AN ACT To establish the Department of Commerce and Labor.

\* \* \* \* \*

SEC. 6. That there shall be in the Department of Commerce and Labor a bureau to be called the Bureau of Corporations, and a Commissioner of Corporations who shall be the head of said bureau, to be appointed by the President, who shall receive a salary of five thousand dollars per annum. There shall also be in said bureau a deputy commissioner, who shall receive a salary of three thousand five hundred dollars per annum and who shall, in the absence of the commissioner, act as and perform the duties of the Commissioner of Corporations, and who shall also perform such other duties as may be assigned to him by the Secretary of Commerce and Labor or by the said commissioner. There shall also be in the said bureau a chief clerk and such special agents, clerks, and other employes as may be authorized by law.

The said commissioner shall have power and authority to make, under the direction and control of the Secretary of Commerce and Labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint-stock company, or corporate combination engaged in commerce among the several States and with foreign nations, excepting common carriers subject to "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce, and to report such data to the President from time to time as he shall require; and the information so obtained, or so much thereof as the President may direct, shall be made public.

In order to accomplish the purposes declared in the foregoing part of this section, the said commissioner shall have and exercise the same power and authority in respect to corporations, joint-stock companies, and combinations subject to the provisions hereof as is conferred on the Interstate Commerce Commission in said "act to regulate commerce" and the amendments thereto in respect to common carriers, so far as the same may be applicable, including the right to sub-

pœna and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said "act to regulate commerce" and by "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February eleventh, eighteen hundred and ninety-three, supplemental to said "act to regulate commerce," shall also apply to all persons who may be subpoenaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by this section.

It shall also be the province and duty of said bureau, under the direction of the Secretary of Commerce and Labor, to gather, compile, publish, and supply useful information concerning corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance, and to attend to such other duties as may be hereafter provided by law.

\* \* \* \* \*

Approved, February 14, 1903.

[34 Stat., 798.]

AN ACT Defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February eleventh, eighteen hundred and ninety-three, and an act entitled "An act to establish the Department of Commerce and Labor," approved February fourteenth, nineteen hundred and three, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February nineteenth, nineteen hundred and three, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes," approved February twenty-fifth, nineteen hundred and three.

That under the immunity provisions in the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February eleventh, eighteen hundred and ninety-three, in section six of the act entitled "An act to establish the Department of Commerce and Labor," approved February fourteenth, nineteen

hundred and three, and in the act entitled "An act to further regulate commerce with foreign nations and among the States," approved February nineteenth, nineteen hundred and three, and in the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes," approved February twenty-fifth, nineteen hundred and three, immunity shall extend only to a natural person who, in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath.

Approved, June 30, 1906.

LIST OF CASES INSTITUTED BY THE UNITED STATES  
UNDER THE SHERMAN ANTITRUST LAW.

President Harrison's Administration, March 4, 1889, to March 4, 1893.

[WILLIAM H. MILLER, Attorney General, March 5, 1889, to March 6, 1893.]

1.

*United States v. Jellico Mountain Coal Company*, 43 Fed. Rep., 898; 46 Fed. Rep., 432.

(Circuit Court, M. D. Tennessee. October 13, 1890; June 4, 1891.)

Suit in equity against the members of the "Nashville Coal Exchange," composed of various coal mining companies operating mines in Kentucky and Tennessee, and of persons and firms dealing in coal in Nashville, formed for the purpose of fixing prices and regulating the output of coal.

A preliminary injunction was denied on October 13, 1890. Upon full hearing the court, on June 4, 1891, held the combination to be in violation of the antitrust law, and enjoined the further carrying out of the agreement.

2.

*United States v. Greenhut et al.*, 50 Fed. Rep., 469.

(District Court, Massachusetts. May 16, 1892.)

A proceeding by indictment against the officers of the Distilling and Cattle Feeding Co. (Whisky Trust) for an alleged violation of the antitrust law.

Indictment quashed, as allegations were held not to constitute an offense under the statute.

2a.

*In re Corning*, 51 Fed. Rep., 205.

(District Court, N. D. Ohio. June 11, 1892.)

Application for a warrant of removal from Ohio to Massachusetts to answer to the indictment found in the *Greenhut case*.

Application denied and prisoner discharged.

2b.

*In re Terrell*, 51 Fed. Rep., 213.

(Circuit Court, S. D. New York. June 28, 1892.)

Application for a writ of habeas corpus to secure a discharge from arrest and detention upon a warrant for removal from New York to Massachusetts to answer to the indictment found in the *Greenhut case*.

Petitioner discharged.

2c.

*In re Greene*, 52 Fed. Rep., 104.

(Circuit Court, S. D. Ohio. August 4, 1892.)

Petition for writ of habeas corpus to secure release from the custody of the marshal, by whom he was held awaiting an order for the removal of Greene to Massachusetts to answer to the indictment in the *Greenhut case*.

Prisoner discharged.

3.

*United States v. Nelson*, 52 Fed. Rep., 646.

(District Court, Minnesota. October 10, 1892.)

Indictment of a number of lumber dealers for conspiring together to raise the price of lumber in violation of the antitrust law.

Demurrer to indictment sustained, the court holding that an agreement between a number of dealers to raise prices, unless they controlled nearly the entire commodity, could not operate as a restraint of trade under the act.

4.

*United States v. Trans-Missouri Freight Association*, 53 Fed. Rep., 440; 58 Fed. Rep., 58; 166 U. S., 290.

(Circuit Court, Kansas. November 28, 1892.)

(Circuit Court of Appeals, Eighth Circuit. October 2, 1893.)

(United States Supreme Court. March 22, 1897.)

Petition in equity filed January 6, 1892, to enjoin the operations of a combination of railroads engaged in interstate commerce, formed for the purpose of maintaining "just and reasonable rates," etc. Petition dismissed by Circuit Court; decree of dismissal affirmed by Circuit Court of Appeals, and reversed by the United States Supreme Court.



5.

*United States v. Workingmen's Amalgamated Council of New Orleans et al.*, 54 Fed. Rep., 994; 57 Fed. Rep., 85. (Circuit Court, E. D. Louisiana. March 25, 1893.) (Circuit Court of Appeals, Fifth Circuit. June 13, 1893.)

Suit in equity to restrain defendants, a combination of workmen, from interfering with interstate and foreign commerce, in violation of the antitrust law. The injunction was granted and the law held to apply to combinations of laborers as well as capitalists.

This decree was affirmed by the Circuit Court of Appeals.

6.

*United States v. Patterson et al.*, 55 Fed. Rep., 605; 59 Fed. Rep., 280.

(Circuit Court, Massachusetts. February 28 and June 7, 1893.)

Cash register case. Indictment of members of a combination formed for the purpose of controlling the price of cash registers. A demurrer was sustained as to certain counts of the indictment and overruled as to others, and leave was granted to file special demurrers to the counts which were sustained. The special demurrers were heard on June 1, 1893, and were overruled, the court adhering to its former ruling. Letter of Attorney General dated October 16, 1893, shows case was allowed to lapse because of reconciliation of complaining witness with defendants.

7.

*United States v. E. C. Knight Company* (Sugar Trust), 60 Fed. Rep., 306; 60 Fed. Rep., 934; 156 U. S., 1.

(Circuit Court, E. D. Pennsylvania. January 30, 1894.)

(Circuit Court of Appeals, Third Circuit. March 26, 1894.)

(United States Supreme Court. January 21, 1895.)

Petition in equity to enjoin the operations of the Sugar Trust, charging a violation of the antitrust law. The petition was dismissed January 30, 1894. Appeal was taken to the Circuit Court of Appeals and the decree

affirmed. From this decision an appeal was taken to the Supreme Court of the United States, where the decree of dismissal was affirmed.

**President Cleveland's Second Administration, March 4, 1893, to  
March 4, 1897.**

[RICHARD OLNEY, Attorney General, March 6, 1893, to June 7, 1895; JUDSON HARMON, Attorney General, June 8, 1895, to March 5, 1897.]

1.

*United States v. Eugene V. Debs et al.*

Petition in equity filed on July 3, 1894, in the U. S. Circuit Court for the District of Indiana seeking to restrain interference by American Railway Union and forty-nine individual defendants with mails and interstate commerce carried by all railroads operating in Indiana, in pursuance of an alleged combination and conspiracy to forcibly block the operation of trains carrying mails and commerce. An injunction was issued on July 3, 1894, which was continued in force until September 19, 1898, at which time the case was dismissed at the instance of the Government.

1a.

*United States v. Agler*, 62 Fed. Rep., 824.

(Circuit Court, Indiana. July 12, 1894.)

Information charging contempt of court in disobeying an injunction restraining Agler and others from interfering with interstate commerce and obstructing the mails. It was charged that Agler was a member of the American Railway Union, the members of which order were on a strike and had been enjoined under the antitrust law from interfering with the carrying of the mails and from obstructing interstate commerce. This is one of the "Debs" cases. Information quashed.

2.

*United States v. Elliott*, 62 Fed. Rep., 801; 64 Fed. Rep., 27.

(Circuit Court, E. D. Missouri. July 6 and October 24, 1894.)

Suit in equity to restrain Elliott, Debs, and others, members of the American Railway Union, from carrying out their unlawful conspiracy to interfere with interstate commerce and to obstruct the carrying of the

mails, in violation of the antitrust law. Preliminary injunction granted. A demurrer to this bill was overruled. Final decree entered April 6, 1896, against two hundred and ninety-five defendants, and temporary injunction made permanent.

3.

*United States v. Debs et al.*

Petition in equity filed on July 2, 1894 in the U. S. Circuit Court for the Northern District of Illinois, alleging conspiracy to obstruct the mails and to interfere with interstate commerce. A temporary injunction was issued on July 2, 1894, for violation of which contempt proceedings were instituted. Original petition dismissed on July 28, 1899, at the instance of the Government.

3a.

*United States v. Debs et al.*, 64 Fed. Rep., 724.

(Circuit Court, N. D. Illinois. December 14, 1894.)

Proceedings in contempt to punish Debs and others for disobeying an injunction restraining them from interfering with interstate commerce and with obstructing the mails, by means of a conspiracy, in violation of the antitrust law. Defendants found guilty and punished.

3b.

*In re Debs, petitioner*, 158 U. S., 564.

(United States Supreme Court. May 27, 1895.)

Proceedings instituted July 2, 1894. Application for a writ of habeas corpus to secure a discharge from imprisonment for disobeying an injunction of the Circuit Court for the Northern District of Illinois, restraining Debs and others from conspiring to interfere with interstate commerce, in violation of the antitrust law.

Petition for the writ denied.

4.

*United States v. Cassidy*, 67 Fed. Rep., 698.

(District Court, N. D. California. April 1 and 2, 1895.)

Cassidy and others were indicted under section 5440, United States Revised Statutes, for combining and conspiring to restrain trade and commerce between the States, in violation of the antitrust law, of which con-

spiracy the Pullman strike in California was a result. The trial lasted five months and resulted in a disagreement of the jury on April 6, 1895. A *nolle prosequi* was entered on July 1, 1895.

5.

*Moore v. United States*, 85 Fed. Rep., 465.

(Circuit Court of Appeals, Eighth Circuit. February 14, 1898.)

Indictment returned November 4, 1895, against the members of an association of dealers in coal at Salt Lake City for entering into a conspiracy, while Utah was a territory, to regulate the price of coal. Moore was tried and convicted in the District Court of Utah upon this indictment. The Circuit Court of Appeals reversed the judgment of conviction, for the reason that upon the admission of Utah as a State it was no longer a "Territory" within the meaning of the antitrust act, and the combination not being in restraint of interstate commerce, the court had no jurisdiction of the offense.

6.

*United States v. Joint Traffic Association*, 76 Fed. Rep., 895; 89 Fed. Rep., 1020; 171 U. S., 505.

(Circuit Court, S. D. New York. May 28, 1896.)

(Circuit Court of Appeals, Second Circuit. March 19, 1897.)

(United States Supreme Court. October 28, 1898.)

Suit in equity instituted January 8, 1896, to enjoin the alleged violation of the antitrust law by a combination of railroads. The Circuit Court dismissed the bill, and the Court of Appeals affirmed the action of the Circuit Court. These judgments were reversed by the United States Supreme Court.

7.

*United States v. Addyston Pipe and Steel Company*, 78 Fed. Rep., 712; 85 Fed. Rep., 271; 175 U. S., 211.

(Circuit Court, E. D. Tennessee. February 5, 1897.)

(Circuit Court of Appeals, Sixth Circuit. February 8, 1898.)

(United States Supreme Court. December 4, 1899.)

Suit in equity instituted December 10, 1896, to enjoin the operations of the cast-iron pipe trust, which

attempted to control the price of cast-iron pipe. The petition was dismissed by the Circuit Court. The Circuit Court of Appeals reversed the decree of the Circuit Court and remanded the case, with instructions to enter a decree for the Government. On appeal to the Supreme Court the action of the Circuit Court of Appeals was affirmed.

8.

*United States v. Hopkins et al.*, 82 Fed. Rep., 529; 84 Fed. Rep., 1018; 171 U. S., 578.

(Circuit Court, Kansas. September 20, 1897.)

(Circuit Court of Appeals, Eighth Circuit. December 27, 1897.)

(United States Supreme Court. October 24, 1898.)

Suit in equity instituted December 31, 1896, to restrain the operations of the "Kansas City Live Stock Exchange," organized to control the shipments of live stock. The injunction was granted and an appeal was taken to the Circuit Court of Appeals, from whom it was removed to the Supreme Court of the United States, first by certificate and then by writ of certiorari. By that court the decree of the Circuit Court was reversed, and the case was remanded with instructions to dismiss the petition.

**President McKinley's Administration—March 4, 1897–September 14, 1901.**

[JOSEPH MCKENNA, Attorney General, March 5, 1897, to June 25, 1898; JOHN W. GRAGGS, Attorney General, June 25, 1898, to March 20, 1901; PHILANDER C. KNOX, Attorney General, April 5, 1901, to June 30, 1901.]

1.

*Anderson v. United States*, 82 Fed. Rep., 998; 171 U. S., 604.

(Circuit Court, W. D. Missouri)

(Circuit Court of Appeals, Eighth Circuit.)

(United States Supreme Court. October 24, 1898)

Petition in equity filed June 7, 1897, in the U. S. Circuit Court for the Western District of Missouri to restrain the operations of "The Traders' Live Stock Exchange," of Kansas City, an association formed for the purpose of buying cattle on the market. Decree of temporary injunction was granted and the case was

appealed to the Circuit Court of Appeals for the Eighth Circuit. From there it was certified to the Supreme Court of the United States for instructions upon certain questions, under the provisions of section 6 of the act of March 3, 1891 (26 Stat., 828). The Supreme Court reversed the decree of the Circuit Court and remanded the case, with directions to dismiss the petition, holding that the acts complained of were not a violation of the antitrust law.

2.

*United States v. Coal Dealers' Association*, 85 Fed. Rep., 252.

(Circuit Court, N. D. California. January 28, 1898.)

Petition in equity filed December 16, 1897, to restrain the operations of a combination of coal dealers known as the "Coal Dealers' Association of California."

A temporary injunction was granted, from which no appeal was taken, and on May 2, 1899, a final decree was ordered granting the relief prayed for.

3.

*United States v. Chesapeake and Ohio Fuel Company et al.*, 105 Fed. Rep., 93; 115 Fed. Rep., 610.

(Circuit Court, S. D. Ohio. August 31, 1900.)

(Circuit Court of Appeals, Sixth Circuit. April 8, 1902.)

Petition in equity filed May 8, 1899, to annul a contract and dissolve a combination of producers and shippers of coal in Ohio and West Virginia, engaged in mining coal and making coke intended for "Western shipment," under agreement to sell the same at not less than a memorandum price to be fixed by an executive committee appointed by the producers. Defendants were enjoined, contract was declared void and illegal, and the combination was dissolved, which decree was affirmed by Circuit Court of Appeals.

President Roosevelt's Administration—September 14, 1901—March 4, 1909.

PHILANDER C. KNOX, Attorney General, April 5, 1901, to June 30, 1904; WILLIAM H. MOODY, Attorney General, July 1, 1904, to December 10, 1908; CHARLES J. BONAPARTE, Attorney General, December 17, 1908, to March 4, 1909.]

1.

*United States v. Northern Securities Co., Great Northern R'y Co., Northern Pacific R'y Co. et al.*, 120 F. R., 721; 193 U. S., 197.

(Circuit Court, Minnesota. April 9, 1903.)

(United States Supreme Court. March 14, 1904.)

Petition in equity filed March 10, 1902, in the U. S. Circuit Court for the District of Minnesota, to enjoin the defendant, the Northern Securities Co., from purchasing, acquiring, receiving, holding, voting, or in any manner acting as the owner of any of the shares of the capital stock of the two defendant railway companies, and to restrain the defendant railway companies from permitting the securities company to vote any of the stock of said railways, or from exercising any control whatsoever over the corporate acts of either of said railway companies, it being charged that the securities company was formed for the purpose of acquiring a majority of the capital stock of the two railway companies in order that it might in that way effect practically a consolidation of the two companies by controlling rates and restricting and destroying competition, in violation of the Sherman antitrust law.

The Circuit Court on April 9, 1903, entered a decree in favor of the Government as prayed in the petition, and this decree was, on March 14, 1904, affirmed by the Supreme Court of the United States.

2.

*United States v. Swift & Co. et al.*, 122 F. R., 529; 196 U. S., 375. Petition in equity filed May 10, 1902, in the U. S. Circuit Court for the Northern District of Illinois to restrain the defendants (commonly known as the Beef Trust), who were engaged in the buying of live stock and the selling of dressed meats, from carrying out an unlawful conspiracy entered into between themselves and the various railway companies, to suppress competition and to obtain a monopoly in the

purchase of live stock and the selling of dressed meats. A preliminary restraining order was granted on May 20, 1902.

Demurrers to the petition were overruled on April 18, 1903, and a preliminary injunction was granted. The defendants having failed to answer, the court, on May 26, 1903, entered an order making the decree final and perpetually enjoining the further operations of the trust.

The defendants, on August 14, 1903, appealed from the final decree of the Circuit Court to the Supreme Court of the United States, where the decree was affirmed January 30, 1905.

3.

*United States v. The Federal Salt Company et al.* Petition in equity filed October 15, 1902, in U. S. Circuit Court for the Northern District of California, to restrain the defendants (known as the Salt Trust) from unlawfully combining and conspiring to suppress competition in the manufacture and sale of salt in the States west of the Rocky Mountains, in violation of the Sherman antitrust law. A temporary restraining order was issued on that date, and, the cause coming on for hearing, the court on November 10, 1902, granted an injunction pendente lite, thus in effect making the restraining order perpetual.

No appeal was taken from this order.

4.

*United States v. The Federal Salt Company.* Indictment returned on February 28, 1903, by the grand jury for the United States District Court, Northern District of California, against the so-called Salt Trust.

On May 12, 1903, a plea of guilty was entered and a fine of \$1,000 was imposed and collected.

5.

*United States v. Jacksonville Wholesale Grocers' Association.* Petition in equity filed September 12, 1903, in the U. S. Circuit Court for the Southern District of Florida, for the purpose of dissolving a combination of wholesale grocers.

November 1, 1907, the case was dismissed.



6.

*United States v. General Paper Co. et al.* Petition in equity filed December 27, 1904, in the U. S. Circuit Court for the District of Minnesota against the General Paper Co. and twenty-three other corporations engaged in the manufacture and sale of paper, alleging that they had entered into a combination and conspiracy to restrain trade and commerce in the manufacture of news print, manila, fiber, and other papers by making the General Paper Co. their common sales agent. On May 11, 1906, the court ordered judgment in favor of the Government, dissolving the combination and granting all relief prayed for in the petition. (See also *Nelson v. United States*, 201 U. S., 92; *Alexander v. United States*, id., 117.)

7.

*United States v. Armour & Co. et al.* Indictment returned on July 1, 1905, in the Northern District of Illinois, against Armour & Co., J. Ogden Armour, president, Patrick A. Valentine, treasurer, Arthur Neekler, general manager, Thomas J. Connors, superintendent, and Samuel A. McRoberts, assistant treasurer, of Armour & Co.; the Armour Packing Co., and Charles W. Armour, president; Swift & Co., and Louis F. Swift, president, Lawrence A. Carton, treasurer, D. Edwin Hartwell, secretary, and Albert H. Veeder and Robert C. McManus and Arthur F. Evans, agents of Swift & Co.; the Fairbank Canning Co., and Edward Morris, vice president, Ira N. Morris, secretary of the Fairbank Canning Co.; the Cudahy Packing Co., and Edward A. Cudahy, vice president and general manager of the Cudahy Packing Co.

Against this indictment many preliminary objections were urged, and all were disposed of in favor of the Government, except certain special pleas of immunity in bar, based upon information concerning the matters for which the defendants were indicted, which they had given to the Department of Commerce and Labor. On March 29, 1906, the court sustained the pleas so far as the individual defendants were concerned and overruled them with respect to the corporations.

8.

*United States v. MacAndrews & Forbes Company et al.* (149 Fed., 823; 212 U. S., 585). Indictment returned in June, 1906, in the Southern District of New York, against the MacAndrews & Forbes Co., the J. S. Young Co., a corporation of Maine, and Karl Jungbluth and Howard E. Young, their respective presidents, for illegally combining and conspiring to regulate the interstate trade and sale in licorice paste, an article used in the manufacture of plug and smoking tobacco, snuff, and cigars. Defendants entered pleas of not guilty, with leave to withdraw or demur on or before July 9, 1906. July 9, 1906, demurrers were filed by all of the defendants. December 4, 1906, demurrers were overruled. December 19, 1906, trial commenced. January 10, 1907, MacAndrews & Forbes Co. was found guilty on first and third counts of indictment, the J. S. Young Co. was found guilty on first and third counts; and a verdict of acquittal was returned as to the individual defendants. MacAndrews & Forbes Co. was fined \$10,000, and J. S. Young Co. \$8,000.

8a.

*The Tobacco Trust Cases* (*Hale v. Henkel*, 201 U. S., 43; *McAlister v. Henkel*, id., 90; 149 Fed., 823; 212 U. S., 585). These cases grew out of an investigation by a Federal grand jury in the Southern District of New York of the American Tobacco Co. and the MacAndrews & Forbes Co., alleged to be violating the antitrust laws. Subpœnas duces tecum were served upon the officers of the companies directing them to produce papers and other documentary evidence belonging to the corporations. They refused to obey the subpœna or to answer questions propounded to them. The Circuit Court adjudged them in contempt of court and committed them until they should produce the books and answer the questions. They applied to another judge of the same court for writs of habeas corpus, which, upon hearing, were denied. Upon appeal the Supreme Court affirmed the orders denying the writs.

9. *United States v. Metropolitan Meat Company et al.* Petition in equity filed in October, 1905, in the U. S. Circuit Court for Hawaii, to restrain the operation of alleged unlawful combinations in restraint of trade in beef and beef products. Demurrer to bill overruled October 2, 1906.
10. *United States v. Nome Retail Grocers' Association.* Petition in equity filed November 4, 1905, in the U. S. District Court, Second Division, District of Alaska, against the Nome Retail Grocers' Association, alleging a combination to fix prices and to suppress competition. With the consent of the defendant a decree was entered granting all the relief prayed for and dissolving the combination.
11. *United States v. Terminal Railroad Association of St. Louis et al.* Petition in equity filed on December 1, 1905, in the U. S. Circuit Court for the Eastern District of Missouri to enjoin the defendant railroads from continuing an unlawful combination entered into between them to operate Eads Bridge and Merchants Bridge as a common agency of interstate commerce. Upon disagreement of circuit judges the case was carried to the Supreme Court but was remanded by that court for further proceedings. The petition was then dismissed by the Circuit Court, and an appeal was taken to the Supreme Court, by whom, on April 22, 1912, the decree of the Circuit Court was reversed, and the case was remanded with directions to enforce compliance with the terms of the decree of the Supreme Court. Form of decree to be entered is now under consideration.
12. *United States v. Allen & Robinson et al.* Petition in equity filed in October, 1905, in the Circuit Court for the District of Hawaii alleging unlawful combination to control the trade in lumber in that Territory. Answers filed January 2, 1906. Decision adverse to Government and petition ordered dismissed on March 30, 1911.

13.

*United States v. Otis Elevator Co. et al.* Petition in equity filed March 7, 1906, in the U. S. Circuit Court for the Northern District of California against the Otis Elevator Co. and a number of other corporations and individuals, in which it was alleged that they were maintaining a combination in restraint of trade in the manufacture and sale of elevators. On June 1, 1906, a decree was entered by consent granting the relief prayed for.

14.

*United States v. F. A. Amsden Lumber Company et al.* Indictment returned on May 4, 1906, in the District Court of Oklahoma for violation of the Sherman Act in restricting competition and maintaining prices in the sale of lumber. May 13, 1907, change of venue was granted to Grant County. September 25, 1907, pleas of guilty were entered and fines aggregating \$2,000 were imposed and collected.

15.

*United States v. National Association of Retail Druggists et al.* Petition in equity filed May 9, 1906, in the U. S. Circuit Court for the District of Indiana against the National Association of Retail Druggists, alleging a combination in restraint of interstate trade in the sale of drugs and proprietary medicines. On May 9, 1907, a final decree was entered by agreement, granting all the relief prayed for in the petition.

16.

*United States v. Virginia-Carolina Chemical Company et al.* Indictment returned on May 25, 1906, in the Middle District of Tennessee, against 31 corporations and 25 individuals engaged in the fertilizer business in the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, and Tennessee, charging them with engaging in a conspiracy in violation of the Federal antitrust act, and with conspiring to commit an offense against the United States, viz, the aforesaid conspiracy, in violation of section 5440 of the Revised Statutes. The fertilizer manufacturers combined to fix the price of fertilizers in the territory mentioned and to apportion the trade among themselves according to an

agreed percentage. On July 11, 1906, certain defendants appealed to the Supreme Court of the United States from an order of the Circuit Court of the Eastern District of Virginia denying the right of habeas corpus and remanding them to the custody of the marshal for removal to the Middle District of Tennessee for trial. The case before the Supreme Court was argued on December 3, 1906, and on March 4, 1907, the judgment of the Circuit Court for the Eastern District of Virginia was reversed and the case remanded to that court for further proceedings in accordance with the opinion of the Supreme Court. On April 17, 1908, various motions, pleas in abatement, and demurrers were filed. On July 3, 1908, the motions and demurrers were overruled, but the plea in abatement was sustained, and the indictment was quashed.

17.

*United States v. American Ice Company et al.* Indictment returned on July 12, 1906, in the Supreme Court of the District of Columbia, charging an unlawful agreement to control prices and restrict competition in the sale of ice. No further action taken.

18.

*United States v. Chandler Ice and Cold Storage Plant et al.* Indictment returned on September 19, 1906, in the District Court for the Territory of Oklahoma against the Chandler Ice and Cold Storage Plant and others, charging a combination to apportion territory in the matter of the sale of ice. Demurrer overruled in May, 1907. Case was ordered dismissed on April 10, 1911.

19.

*United States v. Alfred M. Gloyd et al.* Indictment returned on September 21, 1906, in the District Court for the Territory of Oklahoma, charging a combination to maintain prices and restrict competition in the sale of lumber. Dismissed.

20.

*United States v. People's Ice and Fuel Company, a corporation, and W. B. Lount.* Indictment returned on October 23, 1906, in the District Court for the Territory of Arizona, charging a combination to control prices and restrict competition in the sale of ice. The trial resulted

in a verdict of not guilty as to People's Ice and Fuel Co., but the company was bound over to the next grand jury. Case as to W. B. Lount was continued over term, and on October 16, 1907, a plea in bar was filed, which on following day was sustained.

21.

*United States v. Demund Lumber Company et al.* Indictment returned on October 23, 1906, in the District Court for the Territory of Arizona, charging a combination to control prices and restrict competition in the sale of lumber. January 2, 1907, the trial was commenced and resulted in a verdict of not guilty as to Demund Lumber Co. January 7, 1907, cases against Chamberlain Lumber Co. and Valley Lumber Co. were continued over term. May 8, 1907, motion made to court to instruct for acquittal, which on May 9, 1907, was granted, and a verdict of acquittal was accordingly returned.

22.

*United States v. Phoenix Wholesale Meat and Produce Company, a corporation, P. T. Hurley, and S. J. Tribolet.* Indictment returned on October 23, 1906, in the District Court for the Territory of Arizona, charging a combination to control prices and restrict competition in the sale of meats. January 7, 1907, trial commenced. Verdict of not guilty as to Phoenix Wholesale Meat & Produce Co., and indictment against Hurley dismissed. Verdict of guilty as to defendant S. J. Tribolet, and fine of \$1,000 imposed. On appeal to the Supreme Court of the Territory of Arizona the decision of lower court was affirmed. Fine paid.

23.

*United States v. Standard Oil Company of N. J. et al.* (United States Circuit Court En. Mo., 173 Fed., 177.) (United States Supreme Court, 221 U. S., 1.)

Petition in equity filed November 15, 1906, in U. S. Circuit Court for the Eastern District of Missouri against the Standard Oil Co. and others, in which it was alleged that they were maintaining a combination in restraint of trade in the manufacture and sale of petroleum. Decision by unanimous court in favor Government on November 20, 1909. Appealed to Supreme

Court and judgment affirmed May 15, 1911, and the case was remanded and the combination was dissolved in accordance with the terms of the decree and as prayed in petition.

24.

*United States v. T. B. Hogg et al.* Indictment returned December 8, 1906, in the District Court for the Territory of Oklahoma, charging a combination and conspiracy in restraint of trade and commerce in the sale of lumber. March 25, 1907, plea of not guilty filed. Change of judge granted on application of defendants. Dismissed upon admission of Oklahoma Territory to statehood.

25.

*United States v. Atlantic Investment Company et al.* Indictment returned February 11, 1907, in the U. S. District Court for the Southern District of Georgia against the Atlantic Investment Co. and others, charging a combination in restraint of trade and commerce in the matter of the manufacture and sale of turpentine. February 18, 1907, four corporations and two individuals entered pleas of guilty, and the court imposed a fine of \$5,000 upon each of the six defendants, making a total of \$30,000, which was paid.

26.

*United States v. American Seating Company et al.* Indictment returned March 12, 1907, in the U. S. District Court for the Northern District of Illinois charging a violation of the Sherman antitrust law by engaging in a combination in restraint of trade in the manufacture and sale of school and church furniture. April 1, 1907, defendant corporations entered pleas of guilty, with one exception. May 20, 1907, fines aggregating \$43,000 were imposed and collected. Defendant E. H. Stafford Manufacturing Co. filed demurrer April 3, 1907. May 31, 1907, demurrer was overruled and plea of not guilty entered, and as to this company the case is still pending.

27.

*United States v. American Seating Company et al.* Petition in equity filed March 12, 1907, in the U. S. Circuit Court for the Northern District of Illinois against the

American Seating Co. and others, in which it was alleged that they were maintaining a combination in restraint of trade in the manufacture and sale of school and church furniture. August 15, 1907, decree entered granting perpetual injunction against all defendants, except E. H. Stafford Manufacturing Co., E. H. Stafford, E. M. Stafford, and E. G. Bentley, and as to these defendants the case is still pending.

28.

*United States v. Santa Rita Mining Company and Santa Rita Store Company.* Indictment returned on April 4, 1907, in the district of New Mexico charging a violation of section 3 of the Sherman antitrust law for engaging in a combination in restraint of trade. Demurrer was filed and overruled. Fine of \$1,000 imposed on each defendant; total, \$2,000. An appeal was taken to the Supreme Court of the Territory of New Mexico, where judgment of the lower court was reversed, and the case was subsequently dismissed.

29.

*United States v. The Reading Company et al.* United States Circuit Court, East. Dist. Pa., 183 Fed., 427. Petition in equity filed June 12, 1907, in the U. S. Circuit Court for the Eastern District of Pennsylvania to dissolve a combination among the anthracite coal-carrying roads and others, alleged to be operating in violation of the Sherman law. December 8, 1910, decision was handed down dismissing petition, except as to Temple Iron Co., which was adjudged illegal. Cross appeals were taken to Supreme Court, and the case has been argued and a decision is awaited.

30.

*United States v. National Umbrella Frame Company et al.* Indictment returned July 1, 1907, in the U. S. District Court for the Eastern District of Pennsylvania charging a conspiracy to restrain interstate trade and commerce in the manufacture and sale of umbrella material in violation of the Sherman antitrust law and section 5440, R. S. Pleas of guilty were entered and fines aggregating \$3,000 imposed, and collected.



31.

*United States v. American Tobacco Company et al.*

(United States Circuit Court, Sn. N. Y., 164 Fed., 700.)

(United States Supreme Court, 221 U. S., 106.)

Petition in equity filed July 10, 1907, in the U. S. Circuit Court for the Southern District of New York against the American Tobacco Co. and others, in which it was alleged that they were maintaining a combination in restraint of trade and commerce in the manufacture and sale of tobacco. November 7, 1908, a decision was rendered in favor of the Government, except as to individual defendants and certain foreign and other corporations. Cross appeals were taken to the Supreme Court, where, on May 29, 1911, a decision was rendered sustaining the Government on every point; and the case was remanded to the Circuit Court and the unlawful combination was dissolved in accordance with the terms of the decree of the Supreme Court.

32.

*United States v. E. H. Stafford Manufacturing Company et al.* Indictment returned July 10, 1907, in the U. S. District Court for the Northern District of Illinois charging a violation of the Sherman antitrust law by engaging in a combination in restraint of trade in the manufacture and sale of school and church furniture. Pending.

33.

*United States v. E. I. du Pont de Nemours & Co. et al.* Petition in equity filed July 30, 1907, in the U. S. Circuit Court for the District of Delaware against E. I. du Pont de Nemours & Co. and others, in which it is alleged that they are maintaining a combination in restraint of trade in the manufacture and sale of gunpowder and other high explosives. On June 21, 1911, a decision and interlocutory decree was rendered ordering the dissolution of the combination. Final decree dissolving the combination was approved by the court on June 13, 1912.

34.

*United States v. One Hundred and Seventy-five Cases of Cigarettes.* Information filed October 28, 1907, in the U. S. District Court for the Eastern District of Virginia covering the seizure of 175 cases of cigarettes under

section 6 of the Sherman Antitrust Act. Cigarettes subsequently released under bond.

35.

*United States v. H. D. Corbett Stationery Company et al.* Indictment returned November 1, 1907, in the District Court for the District of Arizona charging a combination in restraint of trade. November 4, 1907, demurrer filed. November 14, 1907, demurrers sustained and defendants were held to next grand jury. October 28, 1908, reindicted. A verdict of not guilty was returned on November 6, 1908.

36.

*United States v. Union Pacific Coal Company et al.*, 173 Fed., 737. Indictment returned November 20, 1907, in the U. S. District Court for the District of Utah, charging a conspiracy to violate and a violation of the Sherman Act. January 6, 1908, demurrer filed. March 2, 1908, the demurrer was sustained as to first count and overruled as to second count. December 3, 1908, verdict of guilty was returned. March 29, 1909, fines aggregating \$13,000 imposed. November, 1909, judgment was reversed by Circuit Court of Appeals, and the suit was dismissed March 21, 1910.

37.

*United States v. Chas. L. Simmons et al.* Indictment returned January 20, 1908, in the U. S. District Court for the Southern District of Alabama charging a combination in restraint of trade and commerce in the manufacture and sale of plumbers' supplies. December 1, 1910, pleas of guilty were filed, and fines aggregating \$265 were imposed.

38.

*United States v. Union Pacific Railroad Company et al.* Petition in equity filed February 1, 1908, in the U. S. Circuit Court for the District of Utah, charging a combination and conspiracy in violation of the Sherman Act on the part of the so-called Harriman lines. June 23, 1911, the petition was dismissed by the Circuit Court on the ground that the roads involved were not competing lines and hence the combination was not a violation of law. An appeal was taken to Supreme Court, argument has been heard and a decision is awaited.

39.

*United States v. E. J. Ray et al.* Indictment returned February 14, 1908, in the U. S. Circuit Court for the Eastern District of Louisiana against seventy-two laborers, charging a combination and conspiracy in restraint of foreign trade and commerce, in violation of the Sherman Act. See note to case 40.

40.

*United States v. E. J. Ray et al.* Indictment returned February 15, 1908, in the U. S. Circuit Court for the Eastern District of Louisiana against seventy-two laborers, charging a combination and conspiracy in restraint of interstate trade and commerce, in violation of the Sherman Act. See note.

NOTE.—On January 26, 1911, the above cases Nos. 39 and 40 were consolidated for trial. A verdict of guilty was returned as to three defendants, and fines aggregating \$110 were imposed. An appeal was granted and the case is still pending.

41.

*United States v. Joseph Stiefvater et al.* Indictment returned February 15, 1908, in the U. S. Circuit Court for the Eastern District of Louisiana, charging a combination in restraint of trade and commerce in the manufacture and sale of plumbers' supplies. June 25, 1910, case was dismissed.

42.

*United States v. American Naval Stores Company et al.* (151 Fed., 834; charge to grand jury, 186 Fed., 592.) Indictment returned April 11, 1908, in the U. S. Circuit Court for the Southern District of Georgia, charging a combination in restraint of trade and commerce in the manufacture and sale of turpentine. May 10, 1909, verdict of guilty was returned as to five individual defendants. Fines aggregating \$17,500 were imposed and two defendants were sentenced to three months in jail. Appeal taken to Circuit Court of Appeals and the judgment was there affirmed. Certiorari granted by Supreme Court, where case is now pending. Motion to advance denied May 1, 1912.

43.

*United States v. New York, New Haven and Hartford Railroad Company et al.* (165 Fed., 742.) Petition in

equity filed May 22, 1908, in the U. S. Circuit Court for the District of Massachusetts, charging the New Haven Co. with combining and attempting to combine under one common control the various railroad and electric railway systems in New England in violation of the Sherman Act. Dismissed June 26, 1909.

44.

*United States v. John H. Parks et al.* Indictment returned June 16, 1908, in the U. S. Circuit Court for the Southern District of New York, charging a combination in restraint of trade in the manufacture and sale of paper. On June 19, 1908, defendants plead guilty and fines aggregating \$50,000 were imposed and collected.

President Taft's Administration, March 4, 1909.

[GEO. W. WICKERSHAM, Attorney General, March 4, 1909.]

EXPLANATORY NOTE.—In a number of criminal cases several indictments were returned against practically the same parties at the same time. When such indictments involved the same conspiracy, they have been counted as only one case; but when involving separate and distinct conspiracies, each has been counted as an individual case.

1.

*United States v. American Sugar Refining Company et al.* Indictment returned July 1, 1909, in the Southern District of New York. A plea of the statute of limitations was interposed by the defendants Kissell and Harned, which was sustained by the Circuit Court. An appeal therefrom was taken to the Supreme Court, where it was decided in favor of the Government. (See *U. S. v. Kissell*, 218 U. S., 601.) The trial of this case resulted in a disagreement of the jury.

2.

*United States v. Albia Box & Paper Company et al.* Indictment returned December 7, 1909, in the Southern District of New York charging combination in restraint of trade in paper board. February 7, 1910, all defendants plead guilty and fines aggregating \$57,000 were imposed and collected.

3.

*United States v. John S. Steers et al.* Indictment returned February 17, 1910, in Eastern District of Kentucky, charging conspiracy to restrain trade. This is the so-called "*Night Rider*" case where the restraint consisted

in preventing the shipment of tobacco in interstate commerce by means of violence and intimidation. After the overruling of demurrers and various pleas in abatement a trial was had, and on April 16, 1910, a verdict of guilty was returned as to eight of twelve defendants and fines aggregating \$3,500 were imposed. The case was appealed to Circuit Court of Appeals, and the verdict was affirmed December 5, 1911. May 11, 1912, the fines were commuted by the President to payment of costs of suit.

4. *United States v. Imperial Window Glass Company et al.* Indictment returned April 7, 1910, in the Western District of Pennsylvania, charging combination and conspiracy to enhance the price of window glass. Demurrers to the indictment were overruled, and on November 10, 1910, pleas of nolo contendere were entered and fines aggregating \$10,000 and costs were imposed and collected.
5. *United States v. National Packing Company et al.* Indictment returned March 2, 1910, in Northern District of Illinois, charging combination to restrain trade in fresh meats. Demurrer to indictment was sustained June 23, 1910.
6. *United States v. National Packing Company et al.* Petition in equity filed March 21, 1910, in the U. S. Circuit Court for the Northern District of Illinois, charging combination in restraint of trade in fresh meats and praying for dissolution. Dismissed in order to facilitate the prosecution of criminal case.
7. *United States v. Armour Packing Company et al.* Indictment returned in April, 1910, in the Southern District of Georgia, charging combination to control prices and restrict competition. Pending on demurrer.
8. *United States v. Missouri Pacific Railroad Company and twenty-four other railroads.* Petition in equity filed May 31, 1910, to restrain violation of Sherman law and temporary restraining order issued on that day enjoining

advances in freight rates in western trunk-line territory, which would have become effective June 1, 1910. Thereupon the railroads, after consultation with the President, withdrew their proposed advances in freight rates, and after the passage of the act of June 18, 1910, the matter was referred to the Interstate Commerce Commission. Thereafter the Interstate Commerce Commission enjoined the rate advances which the temporary restraining order obtained by the department on May 31, 1910, had prevented from going into effect. Petition thereupon dismissed.

9.

*United States v. Southern Wholesale Grocers' Association.* Petition in equity filed June 9, 1910, in the U. S. Circuit Court, Northern District of Alabama, alleging combination to regulate prices of necessities of life.

An agreement was reached between counsel and a decree was prepared, submitted to and passed by the court October 17, 1911, perpetually restraining the association, its officers and members, from doing any and all of the acts complained of.

10.

*United States v. Great Lakes Towing Company et al.* Petition in equity filed June 19, 1910, in the U. S. Circuit Court, Northern District of Ohio, against an alleged combination of towing facilities on the Great Lakes. After taking a great volume of testimony this case was argued and submitted to the court in June, 1912, and a decision is awaited.

11.

*United States v. Chicago Butter & Egg Board.* Petition in equity filed June 13, 1910, in U. S. Circuit Court, Northern District of Illinois. A demurrer to the petition was sustained with leave to amend, and an amended petition was filed. Issue joined and taking of testimony going on.

12.

*United States v. Frank Hayne, James A. Patten, et al.*, 180 Fed., 946. Indictments returned August 4, 1910, in Southern District of New York against alleged cotton pool conspirators. Demurrers were sustained as to

certain counts of indictment and overruled as to others, and an appeal was taken by the United States to the Supreme Court. Case was argued during November, 1911; but was remanded for reargument at the October term, 1912.

13.

*United States v. Standard Sanitary Manufacturing Company et al.* Petition in equity filed July 22, 1910, in U. S. Circuit Court, District of Maryland, charging a combination, under cover of a patent licensing arrangement, to restrain competition and enhance prices of enamel ware. Four volumes of testimony was taken, and the case was heard at Richmond on June 15, 16, and 17, 1911. In a decision rendered October 13, 1911, the court sustained all the Government's contentions, and a decree was entered November 25, 1911, from which an appeal was taken to the Supreme Court. Motion to advance filed April 1, 1912, was granted and the case set for hearing at the beginning of the October term 1912.

14.

*United States v. Louis F. Swift et al.* Indictment returned in September, 1910, in the Northern District of Illinois against ten individuals engaged in the meat-packing industry. Defendants filed numerous pleas in bar, etc., all of which were decided in favor of the Government. After a trial lasting over three months the jury on March 27, 1912, returned a verdict of acquittal.

15.

*United States v. John Reardon & Sons Company and Consolidated Rendering Co.* Indictment returned in October, 1910, in the District of Massachusetts. Demurrer to indictment was sustained June 23, 1911.

16.

*United States v. Ferdinand Sulzberger, doing business under the name of John Reardon & Sons Company, and Horatio W. Heath, of Boston, doing business as the Consolidated Rendering Company.* Indictment returned in October, 1910, in the District of Massachusetts. Demurrer to indictment was sustained June 23, 1911.

17.  
*United States v. Horatio W. Heath and Cyrus S. Hapgood.* Indictment returned in October, 1910, in the District of Massachusetts. Demurrer to indictment was sustained June 23, 1911.
18.  
*United States v. Standard Sanitary Manufacturing Company et al.* In addition to the above mentioned suit in equity (No. 13, supra), indictments were returned by grand jury at Detroit on December 6, 1910, against the same corporations and individuals charging the same acts. Various demurrers and dilatory pleas were filed, argued, and overruled. After a trial lasting six weeks the jury reported a disagreement on March 14, 1912.
19.  
*United States v. American Sugar Refining Company et al.* Petition in equity filed November 28, 1910, in the U. S. Circuit Court Southern District of New York against this corporation, its officers, and agents, and its owned and controlled corporations, attacking it as a combination in restraint of trade and praying for its dissolution. Demurrer was overruled December 11, 1911. Issues joined and testimony is now being taken.
20.  
*United States v. General Electric Company et al.* Petition in equity filed March 3, 1911, in the Northern District of Ohio, charging a combination in incandescence electric lamps. A decree was agreed upon between counsel for the Government and the defendant companies, and was approved by the court October 12, 1911.
21.  
*United States v. Purrington et al.* Indictment returned September 14, 1910, in the Northern District of Illinois charging combination to restrain trade in paving bricks and paving blocks. Demurrer was overruled November 9, 1911, and case is pending.
22.  
*United States v. Hamburg-Amerikanische Packetfahrt Actien Gesellschaft and others.* Petition in equity filed January 4, 1911, in the U. S. Circuit Court for the Southern



District of New York, to dissolve transatlantic steamship pool, a combination of steamship lines regulating steerage traffic on the Atlantic Ocean. Demurrers were overruled December 20, 1911, issues joined and testimony is now being taken.

23.

*United States v. William C. Geer, President, Albia Box and Paper Company, and 16 other officials of various companies.* Indictment returned April 28, 1911, in the Southern District of New York alleging a combination and conspiracy in restraint of interstate commerce in paper board. Pending on demurrer.

24.

*United States v. Eastern States Retail Lumber Dealers Association.* Petition in equity filed May 19, 1911, in U. S. Circuit Court Southern District of New York, charging the Eastern States Lumber Dealers' Association, its officers and members, with conspiring to restrain trade through the instrumentality of black lists and trade agreements. Issues joined and taking of testimony is nearly completed.

25.

*United States v. Isaac Whiting, John K. Whiting, Charles H. Hood, Edward J. Hood, and William A. Graustein.* Indictment returned May 26, 1911, in the District of Massachusetts, charging a combination to restrain trade in milk throughout the New England States. Pending on demurrer.

26.

*United States v. Isaac Whiting, John K. Whiting, Charles H. Hood, Edward J. Hood, and William A. Graustein, and William A. Hunter, Secretary of Producers' Co.* Indictment returned May 26, 1911, in the District of Massachusetts, charging a conspiracy to restrain trade in milk throughout the New England States. Pending on demurrer.

27.

*United States v. Lumber Secretaries' Bureau of Information et al.* Indictment returned June 23, 1911, in the North-

ern District of Illinois, charging that the secretaries of fourteen retail lumbermen's associations, covering twenty-three States from Pennsylvania to the Pacific coast, were in a conspiracy by means of a central controlling bureau to control the marketing of lumber by forcing the product through the retailer to the consumer, and restraining the trade of the manufacturer, wholesaler, and consumer, and eliminating competition for the trade of the consumer. Pending on demurrer.

#### WIRE POOL CASES.

Indictments (9) returned on June 29, 1911, in the Southern District of New York against various individuals, charging violations of sections 1 and 2 of the antitrust law in the conduct and operation of the so-called "Wire Pools," to wit:

28.

*United States v. Wm. P. Palmer and 25 others*, constituting the Bare Copper Wire Association.

29.

*United States v. Wm. P. Palmer and 33 others*, constituting the Weatherproof and Magnet Wire Association.

30.

*United States v. Wm. P. Palmer and 38 others*, constituting the Rubber Covered Wire Association.

31.

*United States v. F. W. Roebbling and 17 others*, constituting the Fine Magnet Wire Association.

32.

*United States v. Wm. P. Palmer and 15 others*, constituting the Horse Shoe Manufacturers' Association.

33.

*United States v. Phillip H. W. Smith and 14 others*, constituting the Underground Power Cable Association.

34.

*United States v. Frank N. Phillips and 10 others*, constituting the Telephone Cable Association.

35.

*United States v. Wm. P. Palmer and 17 others*, constituting the Lead Encased Rubber Insulated Cable Association.

36.

*United States v. E. E. Jackson, Jr., and 17 others*, constituting the Wire Rope Association.

The various defendants entered pleas of *nolo contendere*, and fines aggregating approximately \$128,700 were imposed and paid.

37.

*United States v. Periodical Publishing Company*. Petition in equity filed in June, 1911, in the Southern District of New York against the members of the so-called Magazine Trust. Issues joined. The taking of testimony has been completed.

38.

*United States v. Jay B. Pearce et al.* Indictment returned July 19, 1911, in the Northern District of Ohio, against certain manufacturers and jobbers for combination and conspiracy in the manufacture and sale of wall paper. Demurrer was overruled May 13, 1912. Trial resulted in a verdict of not guilty on May 24, 1912.

39.

*United States v. Lake Shore & Michigan Southern R. R., Chesapeake & Ohio R. R., Hocking Valley R. R., Toledo & Ohio Central Ry., Kanawha & Michigan Ry., Zanesville & Western R. R., and others*. Petition in equity filed August 4, 1911, in the Northern District of Ohio, to enjoin combination and conspiracy whereby certain railroads are held under one control, resulting in a restraint of interstate transportation. Case has been argued and decision is awaited.

40.

*United States v. Edward E. Hartwick et al.* Petition in equity filed August 31, 1911, in the U. S. Circuit Court, Eastern District of Michigan, alleging conspiracy and unlawful restraint of trade on the part of members of the Michigan Retail Lumber Dealers' Association, The Scout Publishing Co., and the Lumber Secretaries' Bureau of Information. Issues joined and testimony is now being taken.

41.

*United States v. Standard Wood Company et al.* Petition in equity filed in September, 1911, in the U. S. Circuit Court, Southern District of New York, against the members of the so-called Kindling Wood Trust, praying for injunction against the further carrying into effect of trade agreements, and a combination and conspiracy to monopolize trade. On default of answer, a decree was entered against defendants March 11, 1912.

42.

*United States v. Hunter Milling Company, Blackwell Milling and Elevator Company, and Frank Poltz.* Indictment returned September 10, 1911, in the Western District of Oklahoma, charging violation of section 1 of the Sherman Act. Demurrer was argued March 4, 1912, and decision is awaited.

43.

*United States v. S. W. Winslow, Wm. Barbour, E. P. Howe, Ed. P. Hurd, Geo. W. Brown, and Jas. J. Storrow.* Two indictments (113 and 114) returned September 19, 1911, in the District of Massachusetts, charging combination, conspiracy, and monopoly in trade in shoe machinery. Demurrer to indictment 113 was sustained, and demurrer to indictment 114 was overruled as to first count and sustained as to second count. From these judgments an appeal was taken to the Supreme Court of the United States, where case is now pending.

44.

*United States v. The Colorado and Wyoming Lumber Dealers' Association and The Lumber Secretaries' Bureau of Information.* Petition in equity filed September 25, 1911, in the U. S. Circuit Court District of Colorado, for injunction against defendants for conspiracy to restrain trade in lumber and its products. Issues joined and testimony is now being taken.

45.

*United States v. Willard G. Hollis et al.* Petition in equity filed October, 1911, in the U. S. Circuit Court, District of Minnesota, against the Lumbermen's Secretaries' Bureau of Information, The Lumberman Publishing Company, and certain individuals, alleging conspiracy and

combination in the lumber trade. Issues joined and testimony is now being taken.

46.

*United States v. United States Steel Corporation and others.* Petition in equity filed October 27, 1911, in U. S. District Court for District of New Jersey against United States Steel Corporation and others alleging a combination in restraint of interstate commerce in iron and steel and their products and an attempt to monopolize the same. Issues joined and testimony now being taken.

47.

*United States v. Joe Cotton, Smith Cotton, Walter Barlow, et al.* During the progress of a strike on the Illinois Central Railroad an order was obtained restraining strikers from committing acts of violence against the company or its employees, etc. Defendants were, on November 15, 1911, indicted in the Southern District of Mississippi for conspiring to restrain interstate commerce, some of the alleged overt acts being the firing of several hundred shots through a train carrying strike breakers.

48.

*United States v. National Cash Register Co. et al.* Petition in equity filed December 4, 1911, in U. S. Circuit Court, Southern District of Ohio, alleging conspiracy and numerous other unlawful acts resulting in monopoly in the manufacture, sale, and shipment in interstate and foreign commerce of cash registers and other registering devices, and praying for perpetual restraining order giving general relief.

49.

*United States v. United Shoe Machinery Co., et al.* Petition in equity filed December 12, 1911, in U. S. Circuit Court, District of Massachusetts, alleging combinations conspiracies, and other unlawful acts in restraint of interstate and foreign trade in shoe machinery, and praying for perpetual restraining order, dissolution of company, and restoration of normal conditions.

50.

*United States v. A. Haines et al.* Two indictments returned December 16, 1911, in the Southern District of

Florida, against Haines and others, for combining, conspiring, and agreeing, under the name of The Longshoremen's Association, Local No. 625, to unlawfully impose fines upon the Mason Forwarding Company for declining to recognize one of the conspirators known as the walking delegate, and endeavoring to enforce payment of said fines by inducing workmen to discontinue loading cargoes of lumber intended for interstate shipment.

51.

*United States v. A. Haines et al.* Two indictments returned December 16, 1911, in the Southern District of Florida, against Haines and others, for combining, conspiring, and agreeing, under the name of The Longshoremen's Association, Local No. 625, upon rules, regulations, requirements, etc., and a certain course of conduct tending to interfere with interstate commerce, which must be observed by all contractors employing workmen to load vessels with lumber for interstate shipment in order to avoid interference by said conspirators.

52.

*United States v. Pacific Coast Plumbing Supply Association et al.* Petition in equity filed December 18, 1911, in U. S. Circuit Court, Southern District of California, alleging unlawful restraint of trade and commerce in plumbing supplies on the Pacific coast by means of combinations, conspiracies, and boycotting, and praying for permanent injunction to restrain same. Decree enjoining defendants from further committing any and all of the acts complained of was entered January 6, 1912.

53.

*United States v. The Keystone Watch Case Company et al.* Petition in equity filed December 20, 1911, in the U. S. Circuit Court, Eastern District of Pennsylvania, alleging unlawful contracts, combinations, and conspiracies, with a view to monopolizing, and which have resulted in a substantial monopoly of interstate trade and commerce in filled watch cases and the Howard watch, and praying for a permanent decree ordering the dissolution of the company and enjoining defendants from further committing the unlawful acts complained of. Issues joined and testimony now being taken.

54. *United States v. American Naval Stores Company et al.* Petition in equity filed January 8, 1912, in the U. S. District Court, Southern District of Georgia, alleging unlawful combination and conspiracy resulting in the restraint of interstate and foreign commerce in spirits of turpentine and resin, manipulation of prices on the board of trade, and other unfair business methods tending to render the business a precarious and hazardous one for competitors, and praying for specific and general relief by perpetual injunction. Pending on demurrer. Exempting certificate filed.
55. *United States v. New Departure Manufacturing Company et al.* Indictment returned January 8, 1912, in the Western District of New York, against six corporations and eighteen individual defendants, charging unlawful combination and conspiracy for the purpose of monopolizing the entire coaster-brake business, and fixing and maintaining prices for coaster brakes. Plea in abatement overruled April 2, 1912.
56. *United States v. The North Pacific Wharves & Trading Co. et al.* Indictment returned February 12, 1912, in the First Division, District of Alaska, charging defendants with conspiring to monopolize and monopolizing the coal business at Skagway. Demurrer sustained May 3, 1912.
57. *United States v. Pacific & Arctic Railway & Navigation Co. et al.* Indictment returned February 12, 1912, in the First Division, District of Alaska, charging defendants with engaging in a conspiracy to monopolize and monopolizing the transportation business between the head of Lynn Canal and the headwaters of the Yukon River. Demurrer sustained on May 3, 1912.
58. *United States v. The North Pacific Wharves & Trading Co. et al.* Indictment returned February 12, 1912, in the First Division, District of Alaska, charging defendants (1) with engaging in a conspiracy and combination in restraint of trade and commerce by way of combining the four wharves at Skagway under one management,

and (2) with monopolizing the wharfinger business at Skagway. Demurrer overruled on May 3, 1912.

59.

*United States v. Pacific & Arctic Railway and Navigation Co. et al.* Indictment returned February 13, 1912, in the First Division, District of Alaska, charging defendants with engaging in a conspiracy to monopolize and monopolizing the steamship transportation between Puget Sound and British Columbia ports in the south and Skagway in the north. Demurrer sustained, except as to corporation defendants to count No. 6.

60.

*United States v. John H. Patterson et al.* Indictment returned February 22, 1912, in the Southern District of Ohio, against John H. Patterson, president, and 29 other officials and employes of the National Cash Register Company, for participation in a conspiracy in undue, unreasonable, direct, and oppressive restraint of interstate trade and commerce in cash registers, resulting in an unlawful monopoly of the industry. Demurrer overruled June 26, 1912.

61.

*United States v. American-Asiatic Steamship Company et al.* Petition in equity filed March 30, 1912, in Southern District of New York, charging defendants as common carriers with combining and conspiring, entering into unlawful contracts and pooling agreements, and allowing rebates, for the purpose of, and which resulted in, their securing a monopoly of the business of transporting freight between ports on the Atlantic coast of the United States and ports in the Philippine Islands, Japan, China, and other countries in the Far East, and praying for specific and general relief.

62.

*United States v. Julius P. Miller, Secretary, New York Charcoal Company et al.* Indictment returned April 2, 1912, in the Eastern District of New York charging defendants with restraining interstate trade and commerce in charcoal by conspiring, cutting prices below cost, causing annoyance to employes of and interference with the business of competitors, and various other unlawful acts. Pending on demurrer.



63.

*United States v. International Harvester Company et al.* Petition in equity filed April 30, 1912, in the U. S. District Court, District of Minnesota, alleging the acquisition and maintenance of a monopoly in harvesting and agricultural machinery and implements and twine by means of combinations, conspiracies, and unlawful practices, and praying for specific and general relief. It is alleged that the I. H. Co. is capitalized at \$140,000,000 and controls approximately 85 per cent of the harvesting machinery industry in the United States.

64.

*United States v. Aluminum Company of America.* Petition in equity filed May 16, 1912, in the U. S. District Court, Western District of Pennsylvania, to prevent a further monopoly of and restraint upon the interstate and foreign trade and commerce in aluminum and aluminum wares. The petition alleged that the defendant had acquired a lawful monopoly of the manufacture of aluminum by virtue of patents, but upon the expiration thereof had continued to maintain its monopoly in aluminum and extend its monopoly to the manufacture of aluminum wares, by means of certain contracts, etc., and certain unfair trade methods. The petition sought to have said contracts canceled and other restraints removed, in order that the entire aluminum industry might be open to all who might wish to engage therein. Consent decree granting relief substantially as prayed for was entered at Pittsburgh on June 7, 1912.

65.

*United States v. Herman Sielcken et al.* Petition in equity filed May 18, 1912, in the U. S. District Court, Southern District of New York, to prevent a further restraint upon the interstate and foreign commerce in coffee growing out of an alleged conspiracy to reduce the production of coffee, especially in the State of San Paulo, Brazil, and to withdraw a large per cent of coffee from the market by purchase. It was alleged that more than ten million bags had been purchased and withdrawn, much of which still remained in the hands of a committee selected under a contract between said State of San Paulo and certain parties who had made a loan to said State to promote the

scheme. The immediate object of this action was to have seized and placed upon the market about 950,000 bags of coffee which were being held by this committee. Motion for preliminary injunction denied.

66.

*United States v. Prince Line (Limited) et al.* Petition in equity filed June 5, 1912, in the U. S. District Court, Southern District of New York, charging defendants, as common carriers of freight and passengers between ports of the United States and ports in the Republic of Brazil, with acquiring and maintaining a substantial monopoly by means of conspiracies, combinations, contracts, rebates, and other unlawful acts, and praying for an annulment of said contracts, arguments, etc.

#### SUMMARY OF CASES UNDER ANTITRUST LAWS.

##### President Harrison's Administration.

Four bills in equity.

Three indictments.

Total ..... 7

##### President Cleveland's Administration.

Four bills in equity.

Two indictments.

Two informations for contempt.

Total ..... 8

##### President McKinley's Administration.

Three bills in equity.

Total ..... 3

##### President Roosevelt's Administration.

Eighteen bills in equity.

Twenty-five indictments.

One forfeiture proceeding.

Total ..... 44

Grand total of cases instituted prior to  
President Taft's administration ..... 62

##### President Taft's Administration up to July 1, 1912.

Twenty-seven bills in equity.

Thirty-nine indictments.

Total ..... 66

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